

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NO LABELS,

Plaintiff,

v.

NOLABELS.COM INC.,

Defendant.

Case No. 1:23-cv-01384-GBW

JOINT WITNESS LIST IN ADVANCE OF EVIDENTIARY HEARING

Pursuant to Paragraph 1.a. of the Court’s December 20, 2023 Order (D.I. 32) and in lieu of Form AO 187, Plaintiff No Labels (“Plaintiff”) and Defendant NoLabels.com Inc. (“Defendant”) hereby jointly submit this witness list in advance of the preliminary injunction hearing scheduled for Thursday, February 22, 2024 (the “Evidentiary Hearing”).

Testimony at the Evidentiary Hearing will be presented as follows: (a) live; (b) by deposition testimony (either through video clips or through reading by counsel); and/or (c) through affidavit (submitted concurrently herewith).

A. List of Plaintiff’s Witnesses

1. Nick Connors (either live and/or via deposition)
2. Admiral Dennis Blair (via deposition)
3. Randall Smith (via deposition)
4. Gail Koshland Wachtel (via deposition)
5. David Bell (via deposition)
6. Charles Siler (via deposition)
7. Joshua Silver (via deposition)

8. Stephen Solomon (via deposition)
9. Eric Kleinschmidt (via affidavit)¹
10. Brian Pendell (via affidavit)²
11. Donna Wadsworth-Brown (via deposition)

B. List of Defendant's Witnesses

1. Nick Connors (via deposition)
2. Admiral Dennis Blair (via deposition)
3. Randall Smith (via deposition)
4. Gail Koshland Wachtel (via deposition)
5. David Bell (via deposition)
6. Charles Siler (either live and/or via deposition)
7. Joshua Silver (via deposition)
8. Stephen Solomon (via deposition)

Plaintiff and Defendant reserve the right to further supplement and/or modify this list up to the date of the Evidentiary Hearing in light of the fact that depositions are still being taken in this matter.

¹ Attached as Sealed Exhibit A.

² Attached as Sealed Exhibit B.

Dated: February 15, 2024

HALLORAN FARKAS + KITTLA LLP

/s/ Theodore A. Kittila

Theodore A. Kittila (Bar No. 3963)
William E. Green, Jr. (Bar No. 4864)
5801 Kennett Pike, Suite C/D
Wilmington, Delaware 19807
Phone: (302) 257-2025
Fax: (302) 257-2019
Email: tk@hfk.law / wg@hfk.law

Attorneys for Plaintiff

Of Counsel:

Mark D. Lytle (admitted *pro hac vice*)
NIXON PEABODY LLP
799 9th Street NW
Suite 500
Washington, DC 20001
Tel: (202) 585-8435
Fax: (907) 331-4726
Email: mlytle@nixonpeabody.com

Jason C. Kravitz (admitted *pro hac vice*)
Leslie E. Hartford (admitted *pro hac vice*)
Exchange Place
53 State Street
Boston, Massachusetts 02109
Tel: (617) 345-1031
Fax: (617) 345-1300
Email: jkravitz@nixonpeabody.com
lhartford@nixonpeabody.com

Bradley J. Schlozman (admitted *pro hac vice*)
HINKLE LAW FIRM LLC
1617 North Waterfront Parkway, Suite 400
Wichita, KS 67206-6639
Phone: (316) 660-6296
Fax: (316) 264-1518
Email: bschlozman@hinklawn.com

BALLARD SPAHR LLP

/s/ Elizabeth S. Fenton

Elizabeth S. Fenton (Bar No. 5563)
919 N. Market Street, 11th Floor
Wilmington, Delaware 19801
Phone: (302) 252-4465
Email: fentone@ballardspahr.com

-and-

Mark M. Billion (Bar No. 5263)
BILLION LAW
1073 S. Governors Avenue
Dover, Delaware 19904
Phone: (302) 428-9400
Email: mbillion@billionlawgroup.com